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EXAMINER
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CORRIELUS, JEAN M

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* EUGENE M. LEE

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Appeal 2016-006584  
Application 13/614,544  
Technology Center 2100

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Before CARLA M. KRIVAK, JON M. JURGOVAN, and  
AMBER L. HAGY, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

Appellant seeks review under 35 U.S.C. § 134(a) from a final rejection of claims 54–80. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.<sup>1</sup>

## CLAIMED INVENTION

The claims are directed to editing a shared document including document data and annotation data. (Spec. Abstract.) Claim 54, reproduced below with argued limitation shown in *italics*, is illustrative of the claimed subject matter:

54. A computer-implemented method of editing a shared document, the method being executed on a computer and comprising:

receiving, in a computer processor, a request for a version for one of a shared document and annotation data, as a requested version;

determining, in the computer processor, a version of an other of the shared document and annotation data, as a determined version corresponding to the requested version;

retrieving, in the computer processor, the requested version and the determined version from a document data storage as document data and from an annotation storage as annotation data;

providing, in the computer, for display, a marked-up document that has the annotation data embedded into the document data at section-dependent, display-independent locations of the shared document, the shared document having plural sections each having a user-selectable length, the plural sections including a section-dependent section into which the annotation data is embedded;

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<sup>1</sup> Our Decision refers to the Specification (“Spec.”) filed Sept. 13, 2012, the Final Office Action (“Final Act.”) mailed Mar. 18, 2015, the Appeal Brief (“App. Br.”) filed Nov. 10, 2015, the Examiner’s Answer (“Ans.”) mailed April 20, 2016, and the Reply Brief (“Reply Br.”) filed June 17, 2016.

inputting, in the computer in response to a user, edits to the marked-up document, in association with the section-dependent, display-independent location of the shared document;

extracting, in the computer processor, annotation data and document data from the marked-up document, and determining the section-dependent display-independent location of the annotation data within the shared document as edited;

*storing, in the computer processor, the extracted annotation data that is unedited as a same version in the annotation data storage and said document data with edits to the document data as a next version in the document data storage for later retrieval, wherein*

the annotation data indicates the section-dependent, display-independent location within said document data in the document data storage into which the annotation data is applied, and at least one version of the shared document to which the annotation data is applied, and

the edits to the document data of one of the plural sections of the shared document (i) cause subsequent sections of the shared document to be positioned differently in the display and (ii) the section-dependent, display-independent locations indicated in the annotation data that is unedited still correctly indicate locations of the annotation data of the subsequent sections of the shared document, for which the subsequent sections are positioned differently in the display.

## REJECTIONS

Claims 54–80 were subject to a provisional non-statutory double patenting rejection over US Application No. 13/614,544, filed Sept. 13, 2012. (Final Act. 4–5.) This rejection was withdrawn (Ans. 12–13) and is thus not before us on appeal.

Claims 54–80 stand rejected under 35 U.S.C. § 103(a) based on Rivette (US 6,877,137 B1, issued April 5, 2005), Eintracht (US 6,687,878 B1, issued Feb. 3, 2004), and Moody (US 5,890,177, issued Mar. 30, 1999). (Final Act. 6–13.)

## ANALYSIS

Appellant argues the cited combination of Rivette, Eintracht, and Moody fails to disclose the limitation of claim 54 reciting “*storing . . . the extracted annotation data that is unedited as a same version in the annotation data storage and said document data with edits to the document data as a next version in the document data storage for later retrieval.*” (App. Br. 12–13.) Specifically, Appellant argues

None of the cited references have a teaching that the unedited annotation data should be stored as the same version in the annotation data storage, whereas the edited document data is stored as the next version.

We agree with Appellant’s argument.

In the Final Office Action, the Examiner relies on Eintracht (3:15–36, 7:55–65) to disclose this limitation of claim 54. (Final Act. 8.) Furthermore, in the Answer, the Examiner relies on expanded teachings of Eintracht (Abstract, 2:44–62, 3:30–36, 4:35–37) as well as Moody (Fig. 3, 5:50–66, 6:58–65, 7:12–20) to disclose this feature. The Examiner finds Eintracht’s synchronization process transmits unedited annotations generated by the user from the notes client to the notes server. (Ans. 14.) We disagree with the Examiner’s finding.

Eintracht discloses “synchronization means for updating the notes server with any notes events processed by the notes clients and for updating the notes client with the results of synchronization updates previously performed by other notes clients since the last synchronization event.” (3:31–36.) Eintracht defines a “note event” as a “message related to a note that did not exist at the time of the last synchronization with the Notes Server, or a note that was modified or deleted since that time.” (6:13–15.) There is no mention in this definition that a “note event” could be a message

that a note was *not* modified. Eintracht also states “[t]he note buffer contains only the notes that were changed since the time of the previous synchronization event.” (16:3–4.) From these teachings, we conclude the cited parts of Eintracht do not disclose the claimed feature because Eintracht’s notes are not extracted and then stored as unedited notes under the same version, as would be required for correspondence with the claimed feature.

Further, we agree with Appellant’s argument that Moody fails to cure Eintracht’s deficiency. (Reply Br. 5–7.) Moody mentions consolidation of edited original paragraphs and edited copies of paragraphs of a document to produce a final document. (Moody Fig. 3, 5:50–66, 6:58–65, 7:12–20). Thus, as Appellant notes, Moody does not mention extracted annotations that are stored unedited as the same version in the annotation data storage. (Reply Br. 6.) Moreover, as Appellant correctly observes (Reply Br. 6–7), the Examiner has not explained how Moody’s consolidated markup document or final document can be read as both the document data of the next version and annotation data of the same version, as required by the claimed feature.

Appellant argues that similar limitations of independent claim 54 are present in independent claims 63 and 72 so that these claims distinguish over the cited combination of references for the same reasons. (App. Br. 21.) We agree with Appellant’s argument and do not sustain the rejection of independent claims 54, 63, or 72, or the claims dependent therefrom.

As our Decision on this basis is dispositive of all issues in this case, we do not reach Appellant’s remaining arguments.

Appeal 2016-006584  
Application 13/614,544

DECISION

We reverse the rejection of claims 54–80 under 35 U.S.C. § 103(a).

REVERSED